

REMARKS

I. Introduction

With the cancellation herein without prejudice of claims 4 to 8 and the addition of new claims 9 and 10, claims 1 to 3, 9, and 10 are pending. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 1 to 3 Under 35 U.S.C. § 103(a)

Claims 1 to 3 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 7,121,061 (“Jazzar”) and U.S. Patent No. 5,671,582 (“Reay”). It is respectfully submitted that the combination of Jazzar and Reay does not render unpatentable the presently pending claims for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). In addition, as clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. See KSR Int’l Co. v. Teleflex, Inc., 127 S. Ct. 1727 (2007).

Claim 1 relates to a modular building system, comprising (a) multiple modules, wherein each of said multiple modules includes (i) structural steel mesh comprising a backbone and two fins; (ii) cementitious mortar encasing said backbone and said two fins of said structural steel mesh and yielding six sides and eight edges of said module; and (iii) *indentations in said six sides and said eight edges of said cementitious mortar, exposing portions of said structural steel mesh*; and (b) metal plate connectors, wherein said metal plate connectors are welded to said exposed portions of said structural steel mesh thereby connecting adjacent modules.

The combination of Jazzar and Reay does not disclose, or even suggest, all of the claimed features of claim 1. Specifically, Jazzar does not disclose, or even suggest, the features of *indentations in a cementitious mortar*,

exposing portions of a structural steel mesh, and metal plate connectors welded to exposed portions of a structural steel mesh. Indeed, the Office Action admits that “Jazzar does not expressly disclose indentations in said six sides and said eight edges of said cementitious mortar, exposing portions of said structural steel mesh or metal plate connectors.” (Office Action, p. 3). Further, the only connection method indicated by Jazzar is by grouting and filling with unset concrete. (See e.g. Jazzar, col. 6, lines 40 to 42). Therefore, Jazzar does not disclose, or even suggest, the features of *indentations in a cementitious mortar, exposing portions of a structural steel mesh, and metal plate connectors welded to exposed portions of a structural steel mesh*, as provided for in the context of claim 1.

In addition, Reay does not disclose, or even suggest, the feature of *metal plate connectors welded to exposed portions of a structural steel mesh*. The Office Action asserts that Reay discloses metal connectors at column 3, lines 6 to 14. However, the cited section of Reay merely describes a tie 30, and the process of forming the tie 30 by “weld[ing] into the shape shown in Fig. 4.” (Reay, col. 3, lines 13 to 14). Further, Reay clearly states that “[t]he tie 30 is retained in position by the pin 11,” as shown in Figure 2. (Reay, col. 3, line 9). Nowhere does Reay indicate that the tie 30 is welded to exposed portions of a structural steel mesh. Therefore, Reay does not disclose, or even suggest, the feature of *metal plate connectors welded to exposed portions of a structural steel mesh*, as provided for in the context of claim 1.

Accordingly, it is respectfully submitted that the combination of Jazzar and Reay does not disclose, or even suggest, all of the features included in claim 1. Therefore, it is respectfully submitted that the combination of Jazzar and Reay does not render unpatentable claim 1 for at least the foregoing reasons.

Thus, as for claims 2 and 3, which depend from claim 1 and therefore include all of the features included in claim 1, it is respectfully submitted that the combination of Jazzar and Reay does not render unpatentable these dependent claims for at least the reasons more fully set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

III. New Claims 9 and 10

New claims 9 and 10 have been added herein. It is respectfully submitted that claims 9 and 10 add no new matter and are fully supported by the present application, including the Specification.

It is respectfully submitted that claim 9, which depends from claim 1, is patentable over the references relied upon for at least the reasons set forth above in support of the patentability of claim 1.

Further, it is respectfully submitted that claim 10 is patentable over the references relied upon for at least the reason that the references relied upon do not disclose, or even suggest, the feature of *spring connectors, in which hooks extending from both ends of spring connectors are attached to exposed portions of a structural steel mesh thereby connecting adjacent modules.*

IV. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Date: February 15, 2008

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